

ALAMEDA COUNTY  
CONGESTION MANAGEMENT AGENCY

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*July 23, 2009  
Agenda Item 5.0*

Memorandum

DATE: July 16, 2009  
TO: Congestion Management Agency Board  
FROM: Dennis R. Fay, Executive Director  
SUBJECT: EXECUTIVE DIRECTOR'S REPORT

**Personnel Matters**

Celia Chung, Senior Transportation Planner (Part-time) has resigned effective June 30, 2009 and was replaced by Gayle Payne effective July 1, 2009. The CMA has two summer interns: Nathan Levine is an Engineering student at the California Polytechnic State University, San Luis Obispo, and Lily Ko, a high school student, is provided through the MTC summer internship program.

**Sacramento Report**

I have attached a report from the CMA's Sacramento representative.

**Washington, DC Report**

I have attached a report from the CMA's Washington, DC representative.

**Federal Transportation Funding – New Transportation Act**

The MTC region has programmed all of its expected SAFETEA apportionment and we are in the final fiscal year of the Act. An approach is needed to guide upcoming programming decisions for the new surface transportation act funding (New Act). Included as an attachment is an MTC proposed framework for the region to approach the New Act.

**American Recovery and Reinvestment Act (ARRA) Discretionary Programs**

The American Recovery and Reinvestment Act (ARRA) included an array of competitive programs that may provide additional funding to transportation projects in the Bay Area. MTC has developed a program matrix (ARRA Discretionary Program Summary, attached), which provides an overview of the various ARRA transportation grant programs, to assist agencies seeking funding. Weekly updates to this matrix are available on MTC's website at: <http://www.mtc.ca.gov/funding/ARRA>

### **Altamont Commuter Express (ACE) Proposed Revised Schedule**

At its June 26, 2009 meeting the San Joaquin Regional Rail Commission (SJRRC) approved a schedule change for ACE trains to be effective October 26, 2009. The schedule change eliminated the midday trains and replaced them with two additional peak hour trains.

### **Transportation Bond Measure Projects**

I-580 Eastbound HOV Lane Project – The contractor for the first contract has completed work in the median and traffic has shifted in order for the outside widening to begin. The HOV lane is scheduled to open in September 2009. The second contract received a California Transportation Commission (CTC) allocation of funds at the October 2008 meeting and was advertised on January 5, 2009. Bids were opened on June 3, 2009 and are being evaluated. The apparent low bidder was almost 40 percent below the engineer's estimates. The CMA issued a Notice to Proceed to the design consultant to prepare the project development package for the auxiliary lanes between Isabel and North Livermore Avenue and North Livermore Avenue and First Street. Another package to deliver the auxiliary lanes has been identified. Work on the ITS component of the I-580 TMP continued.

I-580 Westbound HOV Lane Project – The draft Environmental Document was released for circulation on March 25, 2009, the public comment period closed on April 24, 2009 and the Admin Draft of the Initial Study/Environmental Assessment was submitted to Caltrans in June. The design phase of this project began in June 2008. The 65 percent PS&E package will be submitted to Caltrans for review in July, 2009. The CMA and Caltrans are preparing a Project Change Request to remove the bus ramp from the project scope and to split the project into smaller construction contracts.

I-580/Route 84/Isabel Interchange – This project is sponsored by the City of Livermore and received \$68 million from the CMIA bond fund program. The project was split into three smaller contracts. Contract three, administered by Caltrans received an allocation of construction funds from CTC in October 2008. The CTC allocated the construction funds for the two contracts administered by the City of Livermore at its December 2008 meeting. The three contracts were advertised in January 2009. Bids for Contracts one and two were opened last month. Bids were below the engineer's estimate by 40 percent. The City of Livermore is reviewing the results and an award recommendation will be made shortly. The bid opening for Contract three was on June 9, 2009 and the apparent low bidder was more than 40 percent under the engineer's estimate.

I-880 Southbound HOV Lane Extension (Hegenberger to Marina) – Environmental and preliminary engineering services are ongoing. A 35 percent submittal package has been completed and comments have been received from Caltrans. The project has been divided into two construction packages to attract more bidders. The Environmental Document is scheduled for public circulation in August with approval expected in November 2009. At the request of the City of San Leandro, the ACCMA is overseeing the Marina Boulevard Interchange Project Study Report (PSR).

I-80 Integrated Corridor Mobility (ICM) Project – Stakeholders have submitted their comments on the Traffic Light Synchronization Program (TLSP) Project #6 Concept Report, Plans and Functional Requirements. The Design Team delivered the TLSP 65 percent PS&E to local agencies and Caltrans for review on May 12, 2009. In addition, the 65 percent PS&E for the Traffic Operations System (TOS) Project #3 was submitted to Caltrans on May 12, 2009 and the 65 percent PS&E for the Adaptive Ramp Metering (ARM) Project #4 was submitted to Caltrans on May 18, 2009 for review and comment. The Automated Traffic Management (ATM) 35 percent design package was submitted to Caltrans on June 8, 2009. Traffic Modeling of the I-80 and San Pablo corridors is underway and a preliminary micro-simulation of speed harmonization on the I-80 corridor was presented to the CSMP/TAC/PLT committees. A Delivery Action Plan, addressing the project's revised schedule, was developed by Caltrans, MTC, CMA and the CCTA was submitted to Caltrans HQ staff for review and comment on June 11, 2009. From Caltrans HQ comments, the Delivery Action Plan will be revised and will be submitted to the California Transportation Commission (CTC) staff.

I-880 North Safety and Operational Improvements at 23rd/29th Avenues – The Project Report and Environmental Document are underway and preliminary engineering and environmental technical studies have commenced. The Administrative Draft environmental document was submitted to Caltrans on May 28, 2009. The public circulation of the draft Environmental document is scheduled to begin in September 2009.

#### **Status of Corridor Studies/Projects**

I-680 Express Lane Project – The CMA has partnered with Caltrans on the design of this project. The project has been split into six contracts: three roadway contracts, one landscape contract, an environmental mitigation contract and a system integrator contract. Bay Cities, the contractor for the first contract, Grimmer to Route 238 (Mission Blvd), is continuing to work aggressively to complete the project. Contract 3, Route 238 to Grimmer, was awarded on April 7, 2009 and contract 2, Route 238 to Stoneridge, was awarded on April 17, 2009. Both contractors have begun working on constructing the civil elements of the projects. Electronic Transaction Consultants (ETC), the System Integrator consultant has been developing the design parameters and criteria for the dynamic pricing algorithm, interface with Caltrans TMC, CHP, and BATA customer service, and designing the communication network. The project team is analyzing the contract schedules for a possible "open to traffic" milestone in 2010.

I-580 Traffic Management Plan Project – The Center-to-Center (C2C) Program communication hubs project was awarded to DKS Associates. This communication package will link various Transportation Management Centers in the Bay Area which include communication centers at the Metropolitan Transportation Commission (MTC) and Alameda County SMART Corridors. The Software Integration Package was awarded to Irvine Global Consulting and will be completed in August 2009. The integration will link cameras, detectors and changeable message signs along I-580 with communication centers at the Cities of Dublin, Livermore, Pleasanton and Alameda County SMART Corridors. The draft C2C Hub design has been completed. These projects are on schedule with the completion date of August 31, 2009. The project is also installing ramp metering on Grant Line Road, North Flynn Road and Portola Avenue, funded from a MTC grant, however, funding for the ramp metering has been delayed.

I-580 Corridor ROW Preservation – The CMA consultant prepared environmental documents (Categorical Exemption) for six properties that are currently available for acquisition. The funding agreement with ACTIA was executed in May 2009 and ACCMA is set to begin discussions with Caltrans to establish a partnership agreement for this project.

I-580 Westbound Auxiliary Lane Project – This ACTIA Measure B funded project consists of two westbound I-580 auxiliary lane segments from Airway Boulevard to Fallon Road and from Fallon Road to Tassajara Road. The CMA is the lead agency for the environmental and design phase for the Airway to Fallon Road auxiliary lane. This lane is included in the I-580 WB HOV Lane Widening Project. ACTIA is the lead agency for the environmental phase for the Fallon to Tassajara Road auxiliary lane segment and has completed the NEPA environmental document. Caltrans has approved the plans and has issued an encroachment permit to allow this work to be combined with the City of Dublin's Fallon Road Interchange Project. A project specific funding agreement between the City of Dublin and the CMA has been completed and a Contract Change Order has been issued to construct the Fallon to Tassajara Road auxiliary lane.

I-580 Eastbound High Occupancy Toll (HOT) Lane: Technical Studies and Preliminary Engineering – Preliminary Engineering and preparation of the Environmental Document began in July 2008. The consultant is addressing Caltrans' comments on the traffic operations analysis report. The CMA has requested that additional studies be prepared to investigate the feasibility of a double HOT lane. A contract change order to install the infrastructure of some of the civil elements of the HOT Lane was issued to the EB HOV project. The CMA is investigating possible alternatives for delivery of the civil elements of the project. A final draft RFP for the system integrator is being circulated for review and comment by the project team.

I-580 Westbound High Occupancy Toll (HOT) Lane: Cost/Revenue and Operations Analysis – The CMA has issued an RFP for the preparation of Cost/Revenue and Operations Analysis. A Consultant has been selected and the Cost/Revenue and Operations Analysis is scheduled to be completed in January 2010.

I-680/I-880 Cross Connector Project – Team meetings and technical studies have resumed pending agreement with Caltrans regarding project oversight support. The CMA has requested the consultant to reinitiate studies in anticipation of Caltrans resource availability in early FY 2009/2010. The availability of Caltrans resources may be impacted by proposals included in the state budget.

I-580 Soundwalls: San Leandro – The San Leandro soundwall project Contract was awarded on May 28, 2009 and a Notice to Proceed was issued on June 8, 2009. The contractor began work on June 15, 2009. A kick-off event was held on July 9, 2009 at the San Leandro Public Library.

I-580 Soundwall Design: Oakland – The 95 percent PS&E for the Oakland soundwall is scheduled to be submitted to Caltrans in July 2009, following incorporation of Caltrans comments.

Caltrans Corridor System Management Plans (CSMPs) -The California Transportation Commission required Corridor System Management Plans (CSMPs) for corridors in which

Corridor Mobility Improvement Account and State Route 99 bond funded projects are programmed. The purpose of the plans is to preserve mobility gains from the investments by managing the corridor for highest sustained productivity. The plans identify a corridor management strategy that all jurisdictions, regional agencies, and modal operators along the corridor agree to and that will guide corridor development, operation, and investments from all sources. The plans are based on diagnostics of the causes of congestion and micro-simulation of all strategies, actions, and projects that determine the most effective mix to restore and preserve corridor productivity. The plans also complement and support activities in the Regional Blueprints efforts, compliance with Assembly Bill 32 and Senate Bill 375, and the implementation of the Smart Mobility Framework. The CSMP preparation process is led by Caltrans, MTC and ACCMA (I-80) for four corridors in Alameda County: I-80, I-880, I-580 and SR-24. These CSMPs are due for completion by September 2009. Fact Sheets describing a summary of each CSMP plan and process has been provided to ACTAC in their July 2009 meeting and the findings and recommendations will follow at the end of 2009.

Ardenwood Park & Ride Lot Project – Construction of the Park and Ride Lot began on September 18, 2008. The new portion of the Park and Ride Lot did not open in June 2009 as scheduled. Field tests indicated that additional curb & gutter and striping work is necessary before AC Transit buses can cleanly enter and exit the lot. The new portion of the Park & Ride Lot is now scheduled to open on July 20, 2009. A sub project is being developed to construct a CMS sign on State Route 84, place "next bus" signs in the bus shelters, provide striping and signal modifications to improve access from Ardenwood Blvd. and construct a restroom for AC Transit's use. These sub projects will extend completion to October 2009.

BART to Warm Springs –The BART Board awarded the contract for the Final Design on the Fremont Central Park Subway ("Subway") to the Joint Venture of Shimmick-Skanska on May 28th. Following execution of funding agreements with MTC and ACTIA, the Fremont Central Park Subway contract was awarded to Shimmick-Skanska and a Notice to Proceed is anticipated in late July. Preliminary engineering on the Line, Track Station and Systems ("LTSS") contract is nearing 100% complete. A Request for Qualifications (RFQ) for the LTSS contract is expected to be issued this summer. Subject to Right of Way Certification and execution of additional funding agreements, a Request for Proposals (RFP) is expected to be issued fall 2009. LTSS contract award, based on "best value" criteria, is expected in mid-2010. Following completion of design-build construction and testing, WSX is expected to open for revenue service in late 2014.

BART to Silicon Valley (Silicon Valley Rapid Transit Corridor (SVRTC)) – The Final EIS is expected to be circulated in January 2010.

Caldecott Tunnel 4th Bore – The Final Environment Document for the project is available for review on the project website at: [www.dot.ca.gov/dist4/caldecott/](http://www.dot.ca.gov/dist4/caldecott/). CMA staff continues to coordinate with Caltrans on the project delivery through the Project Leadership Team (PLT) and the Executive Steering Committee (ESC). Caltrans has reached agreement with the Fourth Bore Coalition to settle the litigation that was filed against the project. The CTC approved allocations in May that allow Caltrans to advertise the project. The project was advertised on May 19, 2009,

Caltrans has delayed the bid opening from August 11<sup>th</sup> to September 8<sup>th</sup> to allow additional time for contractors to review bid documents.

Dumbarton Rail Corridor – The project continues to proceed with finalizing the environmental, constructability and structural evaluations. The draft EIS/R is progressing and is expected to be released by fall 2009.

Grand/MacArthur Corridor Transit Enhancements – This project is a key first step towards bringing major transit improvements to the Grand Avenue/MacArthur Boulevard corridor. The limit of this corridor is from Eastmont Mall to the Transbay Terminal in San Francisco. This SMART/Bus Rapid Transit (BRT) Corridor implementation will be modeled after the existing San Pablo Avenue and International/Telegraph SMART/BRT Corridors. On July 31, 2008, the CMA Board awarded the Grand/MacArthur Corridor Transit Enhancement Project construction contract to Ray's Electric, the lowest responsive bidder. Construction started September 22, 2008. The contractor has installed all ITS elements of this project on Grand Ave. This project is on schedule with a completion date of July 29, 2009. The project will be closed-out in September 2009.

SMART Corridors Program – CMA's SMART Corridors partnership includes 29 public agencies. The CMA provides video and traffic data to the public and to transportation managers as well as emergency service providers in real-time. The public website address for the SMART Corridors is: <http://www.smartcorridors.com>. The CMA is working with the Alameda County Public Works Agency on the implementation of Transportation Management Centers (TMC). CMA is also leading the project to implement ITS on Webster Street in the City of Alameda. CMA staff is also managing various contracts to operate and maintain SMART Corridors components.

San Pablo Avenue Rapid Bus Stop Improvements - The CMA is taking the lead in implementing approximately \$2.6 million in improvements to the Rapid Bus stops in Alameda County funded through AC Transit using Measure B funds. At the request of the cities, the CMA and the funding agencies have agreed to implement streetscape amenities as an alternative to the installation of decorative crosswalks. This extended the project completion date to June 2009. All project elements are completed with the exception of median islands which started in May 2009. The median islands design has been completed. Agreements with cities of Oakland and Berkeley regarding the median maintenance have been reached. Staff is waiting for encroachment permit to be issued by Caltrans. The new schedule for completion date is September 2009.

Central Alameda County Freeway System Study –The next PAC meeting is being scheduled. After PAC approval to release the prioritized Local Alternative Transportation Improvement Program (LATIP) project list, local approvals will be sought similar to the process used for the Financially Unconstrained LATIP.

MTC's Lifeline Transportation Program – STA funds for the Tier 1 Lifeline program are available to projects approved by the CMA Board and MTC. JARC funds for approved Tier 1 Lifeline projects will be available fall 2009, pending funding agreements with MTC. The Tier 2

program is subject to confirmation of the FY 2009/2010 state budget. The intent of the Lifeline Transportation Program is to fund projects that increase transportation mobility for low income residents in Alameda County.

Berkeley/Oakland/San Leandro BRT – The BRT TAC meeting was held on July 8, 2009 to prepare for the BRT Policy Steering Committee. The next TAC meeting is scheduled for August 11, 2009 at 9 a.m. The July BRT Policy Steering Committee (PSC) meeting was cancelled. The next PSC meeting is scheduled for August 21, 2009 at 3 p.m.

Transportation and Land Use Work Program – CMA staff met with MTC to discuss the next Transportation and Land Use Work program. The City of San Leandro submitted their revised Oriented Development Technical Assistance Program (TOD TAP) scope of work. Staff is coordinating within the county to determine how to integrate TOD into climate change goals and reviewed MTC's draft guidelines for the next Transportation for Livable Communities (TLC) Call for Projects (see below).

Community Based Transportation Plan – The City of Alameda Community Based Transportation Plan, which includes prioritized transportation needs and solutions based on community outreach, was approved by the Board in June 2009 and is available on the CMA website.

Guaranteed Ride Home Program – The Annual Evaluation is posted on the CMA website. There are 4,437 employees and 189 employers actively registered in the program. Thirty eight new employees registered in the past month. Eight rides were taken in the past month,. The average cost per taxi trip is \$83.97 and the average trip length is 38.8 miles. The average one-way trip distance for a rental car ride is 48miles. The average savings for a rental car ride compared to a cab is \$72.80 per ride. CMA is coordinating with the Rideshare committee and the CMA Association to obtain input on combining CMA's GRH program into a regional program.

Truck Demand Model – The field data collection team, Quality Counts, completed the data collection. . A database with PeMS data and actual truck counts collected along with details on initial model development will be presented to the Task Force at their next meeting. The next Task Force meeting is scheduled for July 22, 2009 at 1:30 p.m.

Update on Climate Action Activities – A Climate Action Workshop jointly hosted by the ACCMA, ACTIA and Supervisor Haggerty's office was held on July 8, 2009. MTC staff made a presentation on the Parking Toolkit/Handbook developed by MTC in 2007 and the associated upcoming outreach efforts to local jurisdictions and a status report on the regional parking strategy study. A survey is being finalized on the Climate Action Toolkit which will be distributed to the local jurisdictions. Next meeting is scheduled for September 9, 2009 at 10:00 a.m..

Countywide Transportation Plan/Regional Transportation Plan – The Board approved the revised Countywide Transportation Plan at its June meeting. The final Countywide Plan will be printed, distributed and posted on the web by the end of July.

Transportation for Livable Communities – MTC released draft guidelines for the Transportation for Livable Communities (TLC) program. A copy is attached. The guidelines will be reviewed by MTC's Planning Committee in July and September 2009, followed by a recommendation for approval by the Commission October 2009. Following approval, MTC is expected to issue a Call for TLC Projects the end of this calendar year.

#### **Environmental Documents/General Plan Amendments Reviewed**

Since my last report, one environmental documents, notices of preparation or general plan amendment has been received or reviewed.

#### **CMA Board and Committee Meeting Dates**

Board meetings will be at 3:30 p.m. in the ACTIA offices. Administration & Legislation Committee meetings will be at 11 a.m. in the CMA offices in Oakland unless otherwise noted. Plans & Programs Committee meetings will be at 12 noon in the CMA offices in Oakland unless otherwise noted.

##### CMA Board

Aug 2009 – no meeting  
scheduled  
September 24, 2009  
October 22, 2009  
Nov. 2009 – no meeting  
scheduled  
December 3, 2009

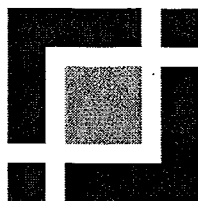
##### Plans & Programs

Aug. 2009 – no meeting  
scheduled  
September 14, 2009  
October 12, 2009  
November 9, 2009

##### Administration & Legislation

Aug. 2009 – no meeting  
scheduled  
September 14, 2009  
October 12, 2009  
November 9, 2009





# Suter-Wallauch-Corbett & Associates

Government Relations

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Attachment A  
Agenda Item 5.0

July 15, 2009

TO: Dennis Fay, Executive Director  
Alameda County Congestion Management Agency

Christine Monsen, Executive Director  
Alameda County Transportation Improvement Authority

FR: Suter, Wallauch, Corbett & Associates

RE: Legislative Update

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***Weekend and Late Night Negotiations:*** The four legislative leaders and the Governor held extensive meetings through the weekend and meet until nearly midnight on Tuesday resulting in some optimistic statements that a budget deal may be reached within the next few days. The report is that they are only \$400 million away from a balanced plan. Given the threat of collapse in almost every aspect of state finances—revenues, credit rating, issuance of IOUs, strike threats, unemployment rates—they have precious little time left. The biggest question before them is the suspension of Proposition 98, the K-14 education guarantee. Other topics included reforms to CalWORKs and other social services, additional IT solutions, possible contracting out of some health and social services and program reductions.

***Controller's Report for July, 2009.*** On Friday State Controller John Chiang released his monthly report detailing California's cash balance, receipts and disbursements in June and for the complete 2008-09 fiscal year. Info from his report:

Personal income taxes in June were \$987 million below (-18.0%) estimates in the May Revision, and sales taxes were short by \$154 million (-5.8%). Corporate taxes were \$1.31 billion above estimates (41.2%). Corporate taxes in May and June were boosted by a surge of payments from corporate taxpayers hoping to avoid a new State penalty.

The State started the fiscal year with a \$1.45 billion cash deficit, which grew to \$11.9 billion on June 30, 2009. Borrowed money from special funds provided enough cash to fund State operations through June 30. The Controller faced a large cash shortfall at the end of July, forcing his office to begin issuing registered warrants or "IOUs" to any General Fund payment that was not protected by the State Constitution, federal law, or court decision. Without IOUs, the State would have run out of cash and begun missing those protected payments at the end of July.

While updated cash projections show that IOUs will preserve enough cash to

make those protected payments through September, the cash shortfall in October will endanger the State's ability to make those payments.

The state's \$2.8 billion cash shortage in July grows to \$6.5 billion in September according to Controller Chiang, and after that a "double digit freefall." He began issuing IOUs last week for approximately 25% of the state's bills, including some to local governments.

***Suspending Prop 1A – Borrowing local dollars:*** While this option is still very much on the table, a sticking point is how to get around Constitutional requirements to spend property tax funds in their county of origin. At issue is the mechanics of "washing" property tax funds so they can be used to free up state general fund dollars going into health care.

***Local Excise Tax Revenue - HUTA:*** The proposed budget diverts \$1.7 billion in gasoline excise tax revenue from the cities and counties over the next two years. Known as Highway User Tax Account (HUTA) revenue these funds will be used to pay for transportation bond debt service. The proposal would take \$986 million in 2009-10 and \$750 million in 2010-11. In addition, the Committee agreed to divert \$135 million from the State Highway Account to debt service payments.

If enacted, this raid will be challenged. The League of Cities has prepared a legal brief that outlines a very good argument that diverting these funds violates the Constitution. The Constitutionality argument was recently bolstered by the Third Court of Appeals decision that overturned the state's ability to take transit operating funds.

***CEQA Guideline Amendments:*** The Natural Resources Agency has commenced the rulemaking process to amend CEQA guidelines. The amendments are in response to SB 97 that directed the Governor Office of Planning and Research (OPR) to develop guidelines for the mitigation of greenhouse gas emissions. Among the changes under consideration are changes to the Level of Service references. OPR originally proposed deleting LOS references. However OPR has recommended to the Resources Agency to revise the questions in the environmental check list to address the need to assess traffic impacts on intersections and roadways, allow the lead agency the discretion to choose methodology, including LOS, and to assess traffic impacts to pedestrian and mass transit circulation. We will be monitoring this process closely, but if you are interested you can subscribe to receive email notices for public comment periods and hearings at the following website: <http://ceres.ca.gov/ceqa/guidelines/>

Bills	Subject	Status	Client - Position
<b>AB 338</b> <b>(Ma)</b> Transit village developments: infrastructure financing.	<p>AB 338 would allow a city or county to create a transit village infrastructure financing district.</p> <p>For the purpose of financing transit improvements this bill would allow a local agency to establish an infrastructure financing district (IFD) without a public vote. The IFD would dedicate the incremental growth in property tax values to transit improvements. The bill would also require the local agency to dedicate 20% of the increment to low income housing projects within the district. AB 338 does not alter the existing exemption for school funds and the local agency must negotiate with and get the approval of the other taxing jurisdictions before their share, if any, is dedicated to the IFD.</p>	SENATE THIRD READING	<p>ACTIA-Watch CMA-Watch</p> <p>MTC-Support &amp; Seek Amendment</p>
<b>AB 468</b> <b>(Havashi)</b> Public Employees' Medical and Hospital Care Act: employer contributions.	<p>AB 468 would authorize ACTIA to enact a graduated vesting schedule for Public Employees' Medical and Hospital Care Act (PEMHCA) benefits that specifies no employer contribution for the first five years of service. After five years of service the employer's contribution increases to 50%, and the contribution rate increases 5% per year, with 100% employer contribution after 15 years of service.</p>	SENATE THIRD READING	<p>ACTIA – Sponsor CMA – Support</p> <p>MTC-None</p>
<b>AB 497</b> <b>(Block)</b> Vehicles: high-occupancy vehicle lanes: used by	<p>This bill would allow a physician to use an HOV lane regardless of occupancy requirements when traveling to an emergency call if the car displays an insignie to be developed by the Department of Motor Vehicles.</p>	SENATE T. & H.	<p>ACTIA – Oppose CMA – Oppose</p> <p>MTC-Oppose</p>

physicians.	AB 497 failed passage in the Senate Transportation & Housing Committee. The vote was 3-4, with 4 members not voting. The bill was granted reconsideration.		
<b>AB 628</b> <b>(Block)</b> Vehicles: toll evasion violations.	This bill permits toll roads and bridges operating in California, which already use vehicle identification cameras for recording toll violators, to begin using the same technology for the payment of tolls. This method is in addition to cash, a transponder (e.g., FasTrak), or other electronic toll payment devices that are authorized under current law.	SENATE PUB. S.	ACTIA - Watch CMA - Watch MTC-Support
<b>AB 652</b> <b>(Skinner)</b> Vehicles: vehicle length limitation.	<p>AB 652 creates a pilot program for AC Transit to test the use of bike racks that accommodate three bicycles.</p> <p>While the bill is moving with unanimous support, Caltrans has requested amendments related to the work of the Route Review Committee, which must approve the use of these racks on 45 foot buses. We continue to negotiate with Caltrans on these amendments, and AB 652 will likely be amended before sending it to the Governor for consideration.</p> <p>These larger capacity racks are 4 inches longer than existing bike racks, because of this added length both driver unions and the CHP have expressed concerns regarding the turning radius of the buses. AB 652 would require AC Transit report to the Legislature on its experience and if the added length causes any safety issues.</p>	ASSEMBLY CONCURRENCE	ACTIA - Support CMA - Support MTC-None

<p><b>AB 672</b> (<b>Bass</b>) Transportation: bond-funded projects: letter of no prejudice.</p>	<p>This bill would establish a process for local and regional agencies to apply for a Letter of No Prejudice (LONP) for any project using Prop 1B funds.</p> <p>If approved by the entity administering the Prop 1B program, the LNOP will serve to ensure the project sponsor will be reimbursed for expending its own funds for any bond-funded component of the project. Given the uncertainty of the state's budget and financial markets, Speaker Bass has introduced this measure to give local entities a means to deliver projects even if the bond funds are not available.</p>	<p>SENATE APPR.</p>	<p>ACTIA - Support and Seek Amendments CMA-Support MTC-Support</p>
<p><b>AB 744</b> (<b>Torrico</b>) Transportation: toll lanes: Express Lane Network.</p>	<p>The Senate Committee on Transportation &amp; Housing will take action AB 744 at a special hearing tomorrow, July 16. At the July 7 hearing, the Committee conducted a lengthy review of the bill and discussed several amendments. The Committee decided to put the bill over in order to provide time to reach an agreement on amendments.</p> <p>The main amendment being drafted for the hearing include the following:</p> <ul style="list-style-type: none"> <li>• Adding to the corridor investment plan a proposal for improving public transit service in the corridor including the identification of fund sources.</li> <li>• Specifying that the highest priority for net revenue shall be cost effective public transit options in the corridor.</li> <li>• Specifying that the toll structure shall prioritize travel time reliability for multi-occupant users and</li> </ul>	<p>SENATE T. &amp; H.</p>	<p>ACTIA - Support In Concept CMA - Support In Concept MTC-Sponsor</p>

	<p>buses.</p> <ul style="list-style-type: none"> <li>Restricting the ability to increase occupancy minimums is also being considered.</li> </ul> <p>The union representing Caltrans engineers has also expressed the need to specify that the design and engineering of these projects fall under the purview of Caltrans. While this issue will not be addressed at the hearing tomorrow, Assemblyman Torrico is committed to try and resolve this issue if possible.</p> <p>AB 744 authorizes BATA to finance, construct and operate an express lane network in the Bay Area. The bill establishes a framework for creating corridor working groups that will plan and develop HOT lanes within each corridor. The bill specifies that after debt payments have been made excess toll revenue is allocated back to each corridor in proportion to the amount of revenue generated. The excess toll revenue shall be used to fund the corridor investment plan, which may include cost effective public transit.</p>		
<p><b>AB 798</b> (Nava) California Transportation Financing Authority: toll facilities.</p>	<p>AB 798 would create the California Transportation Financing Authority with specified powers and duties relative to issuance of bonds to fund transportation projects to be backed by various revenue streams of transportation funds, and toll revenues. The purpose of the Authority is to finance the construction of new capacity or improvements for the state transportation system.</p> <p><i>AB 798 has been amended to include bus projects as well</i></p>	SENATE APPR.	<p>ACTIA - Support and Seek Amendments CMA - Support and Seek Amendments MTC-None</p>

	<p><i>as rail. However, amendments removing the requirement for Bay Area counties to seek approval from MTC prior submitting an application with the CTFA was rejected by the sponsors and the Senate Transportation &amp; Housing consultant. The reasoning was that this requirement is consistent with the regional planning structure in the Bay Area.</i></p>		
<p><b>AB 1175 (Torlakson)</b> Toll facilities.</p>	<p>On its first attempt, AB 1175 failed passage in the Senate Transportation &amp; Housing Committee. However, Assemblyman Torlakson agreed to substantial amendments in order to garner the Committee support. As amended, AB 1175 was approved.</p> <p>The amendments make the following changes:</p> <ul style="list-style-type: none"> <li>• Remove the authority to grant toll discounts for electronic toll collection subscribers.</li> <li>• Replace language that authorizes BATA to set occupancy requirements for toll discounts with language requiring BATA to work with Caltrans on setting occupancy levels.</li> <li>• Eliminating Section 6 of the bill, which authorized BATA to submit to the voters a regional measure to increase bridge tolls.</li> <li>• Added language requiring independent peer review of FasTrack privacy policy.</li> <li>• Require the purchase of cash only FasTrack accounts at all toll facilities.</li> </ul> <p>The bill retains the language that adds the Antioch and</p>	<p>SENATE APPR.</p>	<p>ACTIA-Support CMA-Support MTC-Sponsor</p>

	Dumbarton bridges to the toll bridge seismic safety program.		
<u>AB 1186</u> ( <u>Blumenfeld</u> ) Employee parking.	<p>AB 1186 is intended to promote the use of the existing "parking-cash-out program."</p> <p>This bill would require a lessor of a building located in a non-attainment area to list parking costs as a separate line item on all lease agreements. This requirement would only apply leases that provide space for 50 or more employees. Unbundling the parking cost would make it easier to offer employees cash in lieu of parking subsidies.</p>	SENATE THIRD READING	<p>ACTIA – Watch</p> <p>CMA – Watch</p> <p>MTC-None</p>
<u>AB 1386</u> ( <u>Hayashi</u> ) State highways.	<p>AB 1386 amends existing law to allow for the proceeds from the sale of state owned right-of-way along the proposed Route 238 corridor to be used for both state and local transportation improvements. Existing law limits the use of these funds to state facilities.</p> <p>The bill also amends both the Rt 238 and Rt 84 statutes to specify that the proceeds from the sale of property is deposited into a special account that AB 1386 creates until it is used to implement a LATIP project. Language also allows for local fund to advance a LATIP project and be repaid at a later date with the sale proceeds.</p> <p>AB 1386 was approved by the Senate Transportation &amp; Housing Committee and it is now in the Senate Appropriations Committee. The bill will likely be placed on the Committee's Suspense File where it will be held</p>	SENATE APPR.	<p>ACTIA – Support</p> <p>CMA – Support</p> <p>MTC-None</p>



	until August 27.  In addition, the bill also includes language to relinquish portions of State Routes 92, 185, and 238 within the City of Hayward.		
<b><u>AB 1500</u></b> <b>(Lieu)</b> High-occupancy lanes: single occupancy vehicles: sunset date.	AB 1500 has been amended to extend the sunset date by only 3 years from January 1, 2011 to January 1, 2014, on existing law that allows specified types of electric and other zero emission vehicles to use an HOV lane regardless of the number of occupants.  Previously AB 1500 proposed to extend the sunset date for 5 years. In addition, the extension does not apply to the existing exemption for hybrid vehicles such as the Prius. The exemption for hybrid vehicles would sunset on January 1, 2011.	SENATE APPR.	ACTIA-Oppose CMA – Oppose  MTC-Oppose
<b><u>SB 205</u></b> <b>(Hancock)</b> Traffic congestion: motor vehicle registration fees.	SB 205 was approved by both the Assembly Local Government and Transportation Committees. The bill is now pending in the Assembly Appropriations Committee.  This bill would allow any county congestion management agency to place on the ballot a majority vote measure to impose up to a \$10 fee on each vehicle for the purpose of funding congestion mitigation and air quality programs	ASSEMBLY APPR.	ACTIA – Support CMA – Sponsor  MTC-None
<b><u>SB 391</u></b> <b>(Liu)</b> California Transportation Plan.	SB 391 requires Caltrans to update its state transportation plan by December 31, 2015 and every five years thereafter.	ASSEMBLY APPR. SUSPENSE FILE	ACTIA – Support CMA – Support  MTC-None

	<p>This bill also requires the plan to address how the state will meet the transportation infrastructure and mobility needs of California and attain air pollution standards required by federal and state law and achieves greenhouse gas (GHG) emissions reductions needed from the transportation sector.</p>		
<p><b><u>SB 406</u></b>  <b><u>(DeSaulnier)</u></b>  Land use:  environmental  quality.</p>	<p>SB 406 authorizes metropolitan planning organizations to impose up to a \$2 surcharge on each vehicle registered within the region. If the population exceeds 300,000 then all amounts above \$1 must be used for grants to cities and counties for planning and projects related to implementing a regional blueprint plan. In the Bay Area, the resolution imposing the surcharge must be adopted by both MTC and ABAG.</p> <p>Amendments are pending to clarify that CMAs may also apply for these funds. Recent amendments would allow the MPOs to divide these funds with a local air district, but the air districts must use the funds to assist local and regional governments in reducing greenhouse gas emissions.</p> <p>This bill also makes changes to the membership and duties of the Office of Planning and Research's Planning Advisory and Assistance Council (PAAC). The PAAC currently consist of representatives from cities, counties, and regional agencies that are appointed by the Director of the Governor's Office of Planning &amp; Research. The PAAC assists OPR in the development State's Environmental Goals and Policies Report. SB 406 would</p>	<p>ASSEMBLY APPR.</p>	<p>ACTIA-Support and  Seek Amendments  CMA - Support If  Amended    MTC-None</p>

	significantly change the composition of the PAAC members and assign additional duties to the PAAC, such as coordinating regional blueprint plans.		
<b><u>SB 425</u></b> <b><u>(Similian)</u></b> Personal and corporate income taxes: deductions: parking: credits: ridesharing expenses.	<p>SB 425 precludes employers subject to the Parking Cash-Out Law from claiming a deduction for employee parking unless all employees are offered a parking cash-out program that complies with the Parking Cash-Out Law. In addition, the bill allows employers to claim a tax credit for costs incurred during the taxable year for commute reduction expenditures, such as vanpools and transit passes.</p> <p>In order to eliminate fiscal impacts, SB 425 was amended to reduce the cost of the PCOL tax credit by changing how the credit is applied and simultaneous creating a new tax credit for commute reduction expenditures. While the bill allows for a commute reduction tax credit of 80% of the cost, the credit is limited to about \$170 per year.</p>	SENATE APPR.	<p>ACTIA-Watch CMA-Watch</p> <p>MTC-Support &amp; Seek Amendments</p>
<b><u>SB 535</u></b> <b><u>(Yee)</u></b> Vehicles: high-occupancy vehicle lanes.	<p>SB 535 has been amended to narrow the scope and potentially the impact of a new a new class of vehicle that would be eligible for stickers exempting that vehicle from HOV lane occupancy requirements.</p> <p>As amended, an HOV lane exemption sticker would be available starting January 1, 2011 for a partial zero-emission vehicle and have a fuel economy rating of 65 miles per gallon. This "sticker" program would commence after the Prius sticker program sunsets. The 65</p>	ASSEMBLY APPR.	<p>ACTIA-Oppose CMA-Oppose</p> <p>MTC-None (MTC removed its Oppose position at the July 10 Legislative Committee meeting.)</p>

	<p>mph sticker would sunset on January 1, 2015 and it would be limited to 65,000 stickers.</p> <p>MTC has reached an agreement to amend SB 535 to require these vehicle to use FasTrack to pay bridge tolls and tolls for future express lanes. With these amendments MTC has removed its Oppose position.</p>		
<p><b>SB 728</b> (<b>Lowenthal</b>) Air pollution: parking cash-out program.</p>	<p>SB 728 is another bill that attempts to add teeth to the Parking Cash-out Program. This bill would authorize the cities, counties, and air districts to adopt a local ordinance and penalty to ensure employers comply with the program.</p> <p>Under the Parking Cash-out Program any employer with 50 or more employees that are located in a non-attainment area must provide a parking cash out program if the employer provides a parking subsidy to employees)</p>	ASSEMBLY THIRD READING	<p>ACTIA-Watch CMA – Watch MTC-Support</p>



**MEMORANDUM**

**TO:** Dennis Fay  
Alameda County Congestion Management Agency  
**FROM:** CJ Strategies  
**RE:** Legislative Update  
**DATE:** July 15, 2009

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**Surface Transportation Reauthorization**

The Highway Trust Fund will face a shortfall in August. Congress will have to transfer \$5 to \$7 billion in order for the fund to stay solvent before they leave for the August recess.

***Short-term Extension Proposal***

Chairwoman Boxer's Environment and Public Works Committee approved an 18-month extension of current highway programs at existing funding levels today. The draft bill would authorize about \$41 billion in 2010 and \$20.5 billion in 2011 for highway programs.

The Senate Finance Committee will have to approve a transfer of about \$20 billion from the general Treasury to keep the trust fund solvent as well as find offsets before an extension can be sent to the White House. In addition, the Banking, Housing and Urban Affairs Committee must approve the transit section of the bill, while the Commerce, Science and Transportation Committee has jurisdiction over its safety provisions.

House Transportation and Infrastructure Chairman Oberstar is opposed to an extension and is continuing to move ahead with a long-term bill. He continues to argue that a short-term extension does not offer states the same funding certainty that a long-term authorization achieves.

**Climate Change**

***Senate Action***

Senate Action has been delayed until after the August recess. Senator Boxer originally planned to release draft legislation by July 20 and mark up the bill before the August recess. However, she is now saying the bill will not be released until after August. Committee mark up will be in early September. Majority Leader Reid has pushed back his initial deadline from September 18 to September 28 for all committees to finish their work.

### **Appropriations**

The House Subcommittee on Transportation Appropriations marked up its bill on July 13. Full committee markup is scheduled for July 17.

The \$123.1 billion draft bill for transportation and housing programs proposes \$68.8 billion in discretionary spending, about the same as the White House requested. Under the bill, the Transportation Department would receive \$75.8 billion in total funding, which is 5 percent more than the Obama administration requested and 13 percent more than in fiscal 2009. \$41.1 billion would go to the Federal Highway Administration which is a one percent increase from 2009, and nearly \$10.5 billion would go to transit programs.

In addition, two Congestion Management Agency priorities were included in the bill:

- \$1,000,000 for I-580 Corridor Improvements
  - \$500,000 for the Union City Intermodal Station





METROPOLITAN  
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**Memorandum**

TO: Partnership Board

DATE: June 23, 2009

FR: Alix Bockelman

W. I.

RE: New Federal Transportation Act—Framework and Schedule for Cycle Programming (STP/CMAQ)

**Background**

The region has programmed all of its expected Safe, Accountable, Flexible and Efficient Transportation Equity Act (SAFETEA) apportionment and we are in the final fiscal year of the act. As the region faces the close of SAFETEA ending on September 30, 2009, an expeditious approach is called for to provide an overall architecture to guide upcoming programming decisions for the new surface transportation act funding (New Act). Below is a programming summary for SAFETEA discretionary funding in the MTC Region to provide a historical context:

**MTC's SAFETEA Final Programming Policies**  
**Fiscal Years 2003/04 through FY 2008/09**  
(STP/CMAQ Funding in Millions \$)

Programming Categories	1 <sup>st</sup> Cycle	2 <sup>nd</sup> Cycle	1 <sup>st</sup> Cycle Bonus	3 <sup>rd</sup> Cycle	3 <sup>rd</sup> Cycle Bonus	Total	Share
Regional Operations	\$64	\$56		\$45		\$165	17%
Planning Activities	\$8	\$9		\$13		\$30	3%
Transit Capital Shortfall		\$55	\$22	\$64		\$141	15%
LS&R Shortfall		\$57	\$23	\$66		\$146	15%
Clean Air	\$38	\$9		\$17		\$64	7%
TLC/HIP/SAP		\$24		\$57	\$13	\$94	10%
Regional Bike/Ped.		\$8		\$24		\$32	3%
STIP Backfill		\$62	\$55			\$117	12%
TEA-21 OA Carryover	\$92					\$92	10%
Other*	\$1	\$3	\$7		\$60	\$70	7%
<b>TOTAL Programming:</b>	<b>\$203</b>	<b>\$283</b>	<b>\$107</b>	<b>\$286</b>	<b>\$72</b>	<b>\$951</b>	<b>100%</b>

\*Other includes investments in System Management, Lifeline, Safety/Access, and Transit Expansion.

While the exact fund program categories in the new authorization are not yet known, it is anticipated that the future funding programs will overlap to a large extent with projects that are currently eligible for funding under Title 23 of the United States Code. Furthermore, we expect that the next one or two years of funding most likely will be authorized through an extension of the current act and its programs.

The starting point for making New Act funding decisions should be guided by Transportation 2035, which was adopted by the Commission in April, with an eye toward strategic delivery of these investments. The plan provides a critical backdrop for setting priorities for New Act funding. In particular, Transportation 2035 stressed investments for federal Surface Transportation Program and Congestion Mitigation and Air Quality (STP/CMAQ) funding in the following areas:

- Ongoing commitments to system maintenance and preservation;
- Climate Initiatives;
- System operations on the State Highways;
- Bicycle/pedestrian programs;
- Transportation for Livable Communities (TLC); and
- Continuation of Regional Operations programs such as 511 and TransLink®.

#### **Recent Programming Activities**

Under the American Recovery and Reinvestment Act of 2009 (ARRA) roughly \$660 million of funding was made available to MTC to fund critical transportation needs in the Bay Area, which could be implemented quickly with the objective of jumpstarting the economy. The following ARRA investment actions provide a necessary context for informing policy decisions on funding going forward.

1. ***System Preservation:*** State and Regional ARRA funds have in large part been used to address System Preservation needs for transit and streets and roads as identified in Transportation 2035. \$145 million has been programmed to streets and roads rehabilitation projects and \$286 million has been programmed to transit rehabilitation projects.
2. ***Safety and Freeway Performance Initiative projects:*** ARRA included \$32 million for cost-effective and timely system operations improvements.
3. ***Transit Expansion:*** \$70 million kick starts the Oakland Airport Connector, a key regional transit connection and an MTC Resolution 3434 priority.
4. ***Advance Proposition 1B to Construction:*** \$105 million funds are being directed to close funding gaps in the Proposition 1B program to allow ready-to-go stalled projects to move forward. With this funding MTC is further leveraging state funds to deliver the SR-24 Caldecott Tunnel Fourth Bore. The \$105 million will be available for other projects once state bonds are sold to repay MTC's advance.
5. ***SMART Highways:*** \$14 million delivers two elements of the Bay Area Regional Express Lane network: the Alameda I-580 EB Express Lane element and the Santa Clara SR-I 880/SR 237 Express connector.
6. ***Transportation Enhancements:*** The region programmed \$9.6 million of ARRA funding within the transportation enhancements (TE) program on existing bicycle and pedestrian



projects. After advancing a regional investment for US 101 in Belmont, \$7.5 million will be available in State TE funding for future projects.

A closely timed action was a February 2009 agreement by MTC to enter into a private placement bond purchase to keep \$200 million in Proposition 1B highway projects in construction in Solano, Alameda, and Sonoma counties.

### **Funding Estimate**

As noted above, without a New Federal Transportation authorization or even a proposed bill, MTC can only make preliminary estimates of revenues. Therefore, as in the past, we will have to reconcile revenue levels following enactment of a New Act, and also address any changes in eligibility of revenue categories. That being said, STP/CMAQ revenue is estimated at roughly \$1 billion over the New Act, assuming a 4% growth rate, consistent with projections for T2035.

However, the region's overall capacity to address priority investment categories in the first few years of our T2035 plan extend beyond just the New Act's STP/CMAQ programming estimate. Given the recent ARRA funding actions discussed below, the region will also have \$105 million Regional Transportation Improvement Program/ Corridor Mobility Improvement Account (RTIP/CMA) bond funding capacity as well as \$7.5 million in Transportation Enhancements for programming consideration. Attachment A summarizes both the ARRA programming as well as the estimated funding to be discussed as part of the New Act programming. All told, roughly \$1.1 billion will be part of the New Act programming framework discussion. MTC staff would recommend that we consider the funding in two tranches: 1) ARRA Backfill (\$113 million) and First Cycle (first three-years of the New Act, or FY 2009-10 to FY2011-12); and 2) Second Cycle (last three-years, or FY 2012-13 to FY 2014-15).

It is also important to note that, while the region is initially developing an overall conceptual 6-year New Act framework, in September staff will be requesting that the Commission adopt only the first three-year period of funding (Cycle 1 and ARRA Backfill). This will give the region the opportunity to revisit the final three years of programming in approximately two years, allowing at that time a consideration of new developments in revenue and individual program issues, as well as any new programming opportunities in the New Act.

### **STP/CMAQ and ARRA Backfill Proposal and Issues**

As noted at the outset, the primary starting point for programming STP/CMAQ funding is Transportation 2035, remembering however, that the Plan is not a strict programming document per se. Programming policies should also provide flexibility to address changing funding constraints and opportunities. For reference, Transportation 2035 generally assumed the following percentages for the core programs for the first six years of STP/CMAQ funding after funding on-going and statutorily required programs, and also considering the RTP assumptions of front loading a significant amount of climate change efforts.

T 2035 Core Programs			
5	Focus 1	Freeway Performance Initiative (FPI)	12%
6	Focus 2	Climate Initiatives	31%
7	Focus 3	Regional Bicycle Program	7%
8	Focus 2	Transportation for Livable Communities (TLC)	16%
9	Focus 3	Transit Capital Rehabilitation	14%
10	Focus 3	Regional Streets and Roads Rehabilitation	20%
Total			100%

The MTC staff proposal, Attachment A presents the outlay of STP/CMAQ and ARRA Backfill funds during the New Act six-year period. The staff proposal deviates somewhat from the percentages in the table for the reasons in the section discussing policy issues. *The proposal also does not reflect any adjustments that may be necessary to address funding timing and eligibility restrictions.*

The MTC proposal addresses each of the stated programming principles noted below:

- **Maintain critical on-going programs:** The starting point is the continuation of fundamental programs which have critical funding needs in Cycle 1. These include planning activities, regional operation programs, Pavement Technical Assistance Program (PTAP), and statutorily required Federal – Aid Secondary (FAS) investments. Additionally, any required payback to the State of borrowed Obligation Authority should be considered a first priority.
- **Seize opportunity to deliver system-wide improvements:** A key goal is to make transportation investments that effectively address challenges such as congestion and air quality emissions in a cost effective manner. In this area, a key funding priority identified in the Transportation 2035 Plan is the Freeway Performance Initiative (FPI), a ready-to-go, cost-effective, high performing program. This program addresses traffic congestion on State highways throughout the Bay Area.
- **Fund core Transportation 2035 categories:** Establish a framework for funding other Transportation 2035 programs such as System Preservation (Streets and Road, and Transit), Climate Initiatives, Transportation for Livable communities, and Bike and Pedestrian Projects. Consider that additional startup time is needed to establish the newly revised TLC Program and Climate Initiative programs. Establish an appropriate level and sequence of the funding by considering both ARRA and STP/CMAQ capacity.
- **Direct some ARRA backfill capacity to strategic investments and regional commitments:** Nearly 80% of the Regional ARRA funds were invested in system preservation. The subsequent additional State ARRA increment included some key strategic investment recommendations and took advantage of significant leveraging of State funds to deliver projects such as the Caldecott Tunnel as well as providing additional funding to system preservation needs. Staff recommends that the capacity from the ARRA backfill focus on complementary areas to those from ARRA such as freight/goods movement, transit efficiency, system management, and regional commitments.

### **Policy Issues**

The staff proposal for a New Act program requires that the Commission consider and balance a number of policy issues:

1. **Accelerate FPI:** The deployment of the Freeway Performance Initiative Program is a noteworthy investment in the Bay Area in that it preserves and optimizes the use of the existing capacity on the state highway system. As stewards of the regional transportation system, it is prudent that transportation stakeholders in the region work together to ensure that our investments in highway capacity are well managed. Along with protecting these investments, the FPI would provide additional benefits such as enhanced mobility and reductions in air pollution. Furthermore, during the development of T2035, MTC staff conducted evaluations to measure benefit and effectiveness of various project investments, and concluded that the FPI program earned the highest marks in areas such as the benefit/cost ratio in reducing congestion and CO2 emissions. Refer to Attachment B illustrating RTP investments and their evaluation outcomes for comparisons across project categories.

Attachment C summarizes the specific projects proposed under the Freeway Performance Initiative. The recommended approach would be to advance FPI into Cycle 1, so that traffic management systems could be operational in time to address expected higher levels of congestion in subsequent years, once the economy begins its recovery. The trade-off is that jumpstarting FPI results in a partial delay in funding for rehabilitation projects. ARRA provided critical investments in these areas (\$145M for streets and roads, and \$286M for transit). The Commission will have to balance these priorities, taking into consideration recent proposals by the state to cut gas tax subvention funding for streets and roads as well as State Transit Assistance funding for transit.

For streets and roads, while the need for funding increases as a result of the state actions so does the challenge of project delivery given that much of the gas tax subvention funding is to fund staff and operations – expenses that may not align well with federal fund eligibility or the Transportation 2035 investment objective to improve pavement condition.

For transit, staff's assessment of 10-year needs and revenues show that federal formula funds exceed capped needs through FY2013. At that time, vehicle needs – such as the BART, Caltrans, and SFMTA trolley car replacements – spike and needs outstrip available revenues. Therefore, staff's recommendation with respect to jumpstarting FPI in Cycle 1 may not have a material impact on transit rehabilitation project delivery.

2. **Spread Out the Climate Initiative Program Funding Commitment:** The Commission has earmarked \$400 million to the Climate Initiative Program in Transportation 2035, which assumes that this campaign would be frontloaded within the initial five years of the T2035 planning horizon. If New Act discretionary funding were to be programmed in lockstep with the Plan, over one third of all funding would be dedicated to this program leaving significantly lower levels of funding to continue the annual programs, to fund other T2035 core programs and to make strategic investments. An alternative approach proposed here is a more gradual ramping up of

the Climate Initiative campaign, to provide needed funding capacity to address all-around program needs during the six-year New Act.

3. **Project Delivery:** The continued economic crisis is straining the ability of local jurisdictions, and even Caltrans, to maintain current staffing levels. This could significantly impact the ability of agencies to deliver the additional influx of funding in the near term for some types of projects, such as Local Streets and Roads, Freeway Performance Initiative, and Climate Initiatives. Further, because the Climate Initiative program is new, it will take additional time to ramp up. As noted earlier, transit vehicle needs spike during Cycle 2. The ability for projects to be delivered in a timely manner should factor into the decision of the sequencing of program funding.
4. **Direct ARRA Backfill Priorities to Non-Core Program Needs:** While supporting T2035 core programs, effective funding decisions need to be strategic, responding to and seizing on opportunities to deliver system-wide improvements as well as to address critical projects that might be postponed during budget crises. For example, the region has directed STP (STIP Backfill) and American Recovery and Reinvestment Act of 2009 (ARRA) funds to jumpstart construction projects when state funds were not immediately available. The latter backfill action will provide the region with funding capacity (STIP, CMIA, and TE) funds during the Cycle 1 time frame to fund "ARRA Strategic Investments." They address important transportation needs consistent with broader objectives in T2035 by tackling important and pressing transportation problems in the Bay Area.
5. **PDA Based Funding Decisions:** In Transportation 2035, the Commission's transportation/land use and climate change policies seek to align "focused growth" land use principles and actual transportation investments. As part of the ARRA program adoption last February, staff was directed to begin developing a priority development area (PDA) investment strategy in advance of a completed Authorization. As it relates to the New Act programming, staff is recommending the following:
  - **Transportation for Livable Communities:** All TLC projects are to be located in priority development areas with additional weighting and scoring depending on whether the projects are in planned or proposed PDAs and based on proposed development intensity.
  - **Climate Change:** The Air District and MTC described several possible elements of a Climate Change Program for the T-2035 Plan; however, details of the program have not yet been fully defined. Possible elements include, but may not be limited to: alternative fuel infrastructure network, Safe Routes to School/Transit, transit priority measures and outreach/incentives programs. Capital projects funded by the Climate Change Program would be given priority if they are in planned PDAs, with additional weight being given to projects that are in higher intensity development and in close proximity to transit.
  - **Rehabilitation – Streets and Roads and Transit:** Based on staff analysis, the current distribution formula already prioritizes funding for local jurisdictions that are considered high-intensity PDAs. As a reminder, the current allocation

formula contains four factors, weighted 25% each, including population, lane mileage, arterial and collector shortfall, and preventive maintenance performance. The latest addition of population and lane mileage to the allocation formula adds additional emphasis for PDAs. However, one proposed change for program administration is that the CMAs be required to use the regional formula for streets and roads distribution within the counties – which tends to favor PDAs – unless they can demonstrate that an alternative distribution is being used to give more preference to PDAs, or there are unique delivery considerations.

### **Program Administration**

Critical to the proposed programming framework is the administration and project selection for the program areas. The staff proposal identifies a lead agency for administration in each program area. In general, MTC is proposing to be the lead for program areas of regional scope or with a network impact and is proposing that the Congestion Management Agencies be the lead for programs with a local/community focus.

Further, in response to stakeholder comments, MTC is proposing to bundle some programs as noted above into “PDA block grants” to allow more flexibility and strategic project delivery on the part of the counties. This framework would allow some flexibility on the part of counties in terms of the final amount programmed within each category, recognizing unique county transportation needs. Discrete program category targets would be established, with allowable margins of deviation, for the bundled programs. The intended result would be a more synergistic approach to CMA project selection and delivery using a variety of T2035 core funded programs. Ultimately it is hoped that this approach would lead to larger, more effective, and multi-modal projects that would promote a wide spectrum of planning goals. Also it is envisioned that CMAs would coordinate their decisions with the MTC managed programs such as the TLC and Climate Initiative programs. Lastly, MTC is proposing that CMAs be required to submit a strategic plan by January 1, 2010 that identifies the milestones for making project selection decisions and how outreach will be accomplished with cities to further priority development area goals.

The following table summarizes this proposed framework.

Transportation 2035 Core Programs	Manager	PDA Block Grant
Freeway Performance Initiative (FPI) and the Regional Signal Timing Program.	MTC, Caltrans and CMAs	
Climate Initiatives <ul style="list-style-type: none"> <li>Transit Priority Measures</li> <li>Electric Vehicle Infrastructure (EVI)</li> <li>Safe Routes to Schools</li> <li>Safe Routes to Transit</li> <li>Outreach/Incentives</li> </ul>	MTC and Bay Area Air Quality Management District	
Climate Initiatives <ul style="list-style-type: none"> <li>E. Solano CMAQ</li> </ul>	Solano Transportation Authority	Yes
Regional Bicycle Program	CMAs	Yes
Transportation for Livable Communities (TLC) – Regional	MTC	
Transportation for Livable Communities (TLC) – County	CMAs	Yes
Regional Streets and Roads Rehabilitation	CMAs	Yes
Transit Capital Rehabilitation	MTC	

### **Program Category Information**

Attachment D provides information on each of the programming categories.

### **Schedule**

Below is a summary of the schedule for the development of Cycle 1 funding for the New Act. The proposal will be developed in concert with the Bay Area Partnership, MTC advisory committees, and other stakeholders during the summer months. In September, staff expects to take a final proposal to the Programming and Allocations Committee with a recommendation for MTC adoption. Funding would be available for obligation in late October 2009 following the release of FY 2009-10 apportionments.

### New Act STP/CMAQ Cycle Programming Outreach Schedule

Date	Committee	Action
May		
18	Partnership Technical Advisory Committee	Present Framework
June		
3	Transit Fund Working Group	Present Framework to Advisory Committees and Working Groups leading up to a presentation of a draft proposal to the Partnership Board
4	Elderly and Disabled Advisory Committee	
9	Minority Citizens Advisory Committee	
10	Advisory Council	
12	Local Streets and Roads Working Group	
15	Program Delivery Working Group	
15	Partnership Technical Advisory Committee	
23	Partnership Board	
July		
1	Transit Fund Working Group	Draft Proposal revised as needed. Draft Final Proposal developed after PTAC to be taken to PAC/Commission in September.
2	Elderly and Disabled Advisory Committee	
8	<b>Programming Allocations Committee</b>	
8	Advisory Council	
10	Local Streets and Roads Working Group	
14	Minority Citizens Advisory Committee	
20	Program Delivery Working Group	
20	Partnership Technical Advisory Committee	
September		
9	<b>Programming Allocations Committee</b>	<b>Adoption of Cycle 1 and New Act Framework / TIP Amendment</b>
22	<b>Commission Approval</b>	

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# Attachment A

## New Transportation Authorization Act-- STP/CMAQ with ARRA Backfill Outlay MTC Staff Proposal (amounts in \$ millions)

STP & CMAQ Total	Committed ARRA Programming	ARRA* Backfill	STP/CMAQ Cycle 1	STP/CMAQ Cycle 2	ARRA Backfill & STP/ CMAQ Total
Estimated Apportionment Revenues	662	113	485	546	1,144
<b>Annual Programs</b>					
1 Required SAFETEA OA Carryover			68		68
2 On-Going Regional Planning			23	25	48
3 On-Going Regional Operations			84	74	158
4 On-Going Regional Streets and Roads - PTAP & FAS			22	6	28
<b>T-2035 Core Programs</b>					
5 Focus 1 Freeway Performance Initiative (FPI) (incl ARRA)	19		136	86	222
6 Focus 2 Climate Initiatives (incl ARRA - TE)	10	8	32	36	68
7 Focus 2 Regional Bicycle Program			14	21	42
8 Focus 2 Transportation for Livable Communities (TLC)		15	57	98	169
9 Focus 3 Transit Capital Rehabilitation (incl ARRA Sys Pres)	286			115	115
10 Focus 3 Regional Streets and Roads Rehabilitation (incl ARRA Sys Pres)	145		50	85	135
<b>Total</b>	<b>461</b>	<b>22</b>	<b>485</b>	<b>546</b>	<b>1,053</b>

<b>ARRA Strategic Investments</b>					
11 Safety Projects (Vasco Road and North Bay counties)	13				
12 Express Lane Network (580 and 237/880)	14				
13 Transit Expansion (Oakland Airport Connector)	70				
14 Advance Prop 1B Construction (Caldecott Tunnel)	105				
15 Corridor Mobility (SCL I/C Imps)		32			32
16 MTC Res 3814 Transit Payback Commitment		31			31
17 Transit Efficiency (SFgo)		20			20
18 Trade Corridor (Richmond Rail Connector)		8			8
<b>Total</b>	<b>201</b>	<b>91</b>			<b>91</b>

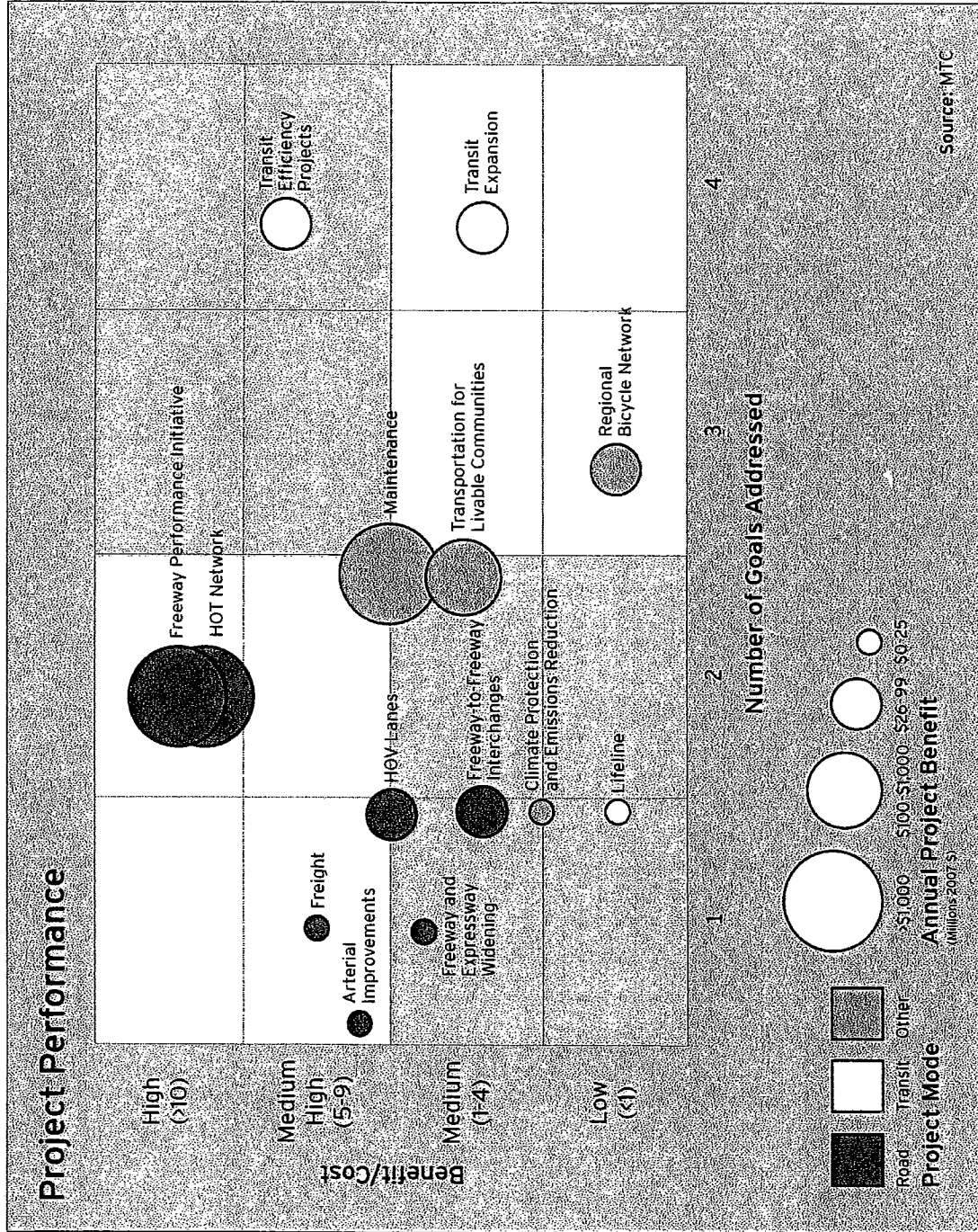
\* \$112.5 M in ARRA Backfill is included within the \$661.9 M ARRA Programming Amount (\$105 M for Caldecott Tunnel and \$7.5M for TE)

<b>Grand Total</b>	<b>662</b>	<b>113</b>	<b>485</b>	<b>546</b>	<b>1,144</b>
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Notes

Note that the proposal does not reflect any adjustments that may be necessary to address funding timing and eligibility restrictions.

# Attachment B: Transportation T 2035 Project Evaluation Results\*



\*Transportation 2035 Performance Assessment Report, December 2008

## Attachment C

# Freeway Performance Initiative Project List

(millions \$)

## PRIOR AARA COMMITMENTS

Caltrans EA	Route	Location	Description	Capital costs	Support costs	Total Cost	Committed ARRA	Cumulative ARRA Funds
15130	SCL 280	SB; Menker to 11th	8 Ramp Meters (RMs)	\$5.0	\$2.0	\$7.0	\$7.0	\$7.0
15034	SCL 280	NB; Vine to Leland	7 RMs	\$3.4	\$1.6	\$5.0	\$5.0	\$12.0
15340	SM 280	SB; Route 1 to Route 380	9 RMs	\$4.9	\$2.1	\$7.0	\$7.0	\$19.0
Committed ARRA Subtotal							\$19.0	

## NEW ACT CYCLE 1 (FY 09/10 - FY 11/12)

#	Caltrans EA	Route	Location	Description	Capital costs	Support costs	Total Cost	Funding Request*	Cumulative Request
-	-	-	-	signal timing & performance monitoring				\$4.5	\$4.5
1	15113	ALA 580	Route 880 to SJ co. line	25 RMs + 69 TOS elements	\$13.8	\$6.7	\$20.5	\$17.1	\$21.6
2	15270	CC 4	Route 680 to Route 160	4 RMs + 40 TOS elements	\$7.8	\$4.1	\$11.9	\$9.9	\$31.5
3	15300	ALA 92	EB; SM Bridge to Route 880	7 RMs	\$4.3	\$3.1	\$7.4	\$5.9	\$37.4
4	15320	SCL 680	Route 101 to ALA co. line	32 RMs + 23 TOS elements	\$20.7	\$4.3	\$25.0	\$22.9	\$60.2
5	15310	ALA 680	CC co. line to SCL co. line	30 RMs + 67 TOS elements	\$27.1	\$5.2	\$32.3	\$29.7	\$89.9
6	15148	ALA 880	Davis St to SCL co. line	8 RMs + 60 TOS elements	\$10.0	\$4.8	\$14.8	\$12.4	\$102.4
7	15330	SCL 101	101/85 IC south to SBT co. line	27 RMs + 46 TOS elements	\$19.8	\$5.3	\$25.1	\$22.4	\$124.8
8	15420	SCL 85	Route 280 to Route 101	14 RMs + 14 TOS elements	\$9.5	\$3.8	\$13.3	\$11.4	\$136.2
Cycle 1 Subtotal							\$136.2		

## NEW ACT CYCLE 2 (FY 12/13 - FY 14/15)

	Caltrans EA	Route	Location	Description	Capital costs	Support costs	Total Cost	Funding Request	Cumulative Request
-	-	-	-	signal timing & performance monitoring				\$4.5	\$140.7
9	15160	MRN 101	Golden Gate Bridge to SON co. line	43 RMs	\$23.7	\$4.1	\$27.8	\$25.8	\$166.4
10	TO S22	SOL 80	Carquinez Bridge to Yolo co. line	61 RMs + 150 TOS elements	\$46.9	\$17.4	\$64.3	\$55.6	\$222.0
Cycle 2 Subtotal							\$85.9		

GRAND TOTAL \$241.0

\* Funding requests for FPI projects include 100% of capital costs and 50% of support costs.

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## Attachment D

### Program Category Information

- ***SAFETEA Obligation Authority (OA) Carryover (\$70M)***: This is a required OA payback, which reduces programming capacity to other programs. As the MTC region enters the New Act with a carryover of \$70 million, it remains uncertain how soon this OA payback would be requested by Caltrans, depending on OA used by other regions in the State. It is noteworthy, that MTC's ability to obligate quickly in the earlier years could be viewed as beneficial by Caltrans, allowing later payback of OA. In any event, it is prudent to anticipate payback during Cycle 1. As noted in the SAFETEA summary, the region had to address over \$90 million in OA carryover during the current Act.
- ***Regional Planning (\$48M)***: Provide funding to Congestion Management Agencies (CMAs), Association of Bay Area Governments (ABAG), the San Francisco Bay Area Conservation and Development Commission (BCDC), and MTC to support planning activities in the region. Funding levels reflect the Transportation 2035 commitment level by escalating at 4% per year from the base amount of \$6.9 M in FY 2008-09. There are ongoing discussions regarding higher levels of funding, which will depend on the assignment of additional planning and program management responsibilities over the New Act period.
- ***Regional Operations (\$158M)***: Funding to continue regional operations programs over the New Act period including TransLink®, 511, and Incident Management. In order to compensate for the elimination of STA funding to the Regional Operations Programs, an increment of \$2.5 million has been added, as compared to Transportation 2035 assumptions, to underwrite MTC staff costs through FY 2012/13. However, for the subsequent years Regional Operations program funding needs should be revisited when the Commission considers Cycle 2 commitments, depending on the State of California fiscal situation.
- ***Pavement Technical Assistance Program (PTAP) and Federal Aid System Commitments (\$28M)***: With the passage of ISTEA and the dissolution of the Federal Aid Urban/ Federal Aid Secondary (FAU/FAS) programs, California statutes guarantee the continuation of minimum funding to Counties, covering their prior FAS shares. We are proposing to take this amount of \$15 million off-the-top for the streets and roads rehabilitation program at the outset of Next Act programming. Also, PTAP (\$7 million per cycle), similar to MTC's regional operations programs requires uninterrupted funding to continue the program, which includes \$1.5 million per cycle to underwrite MTC costs to administer the program.
- ***Freeway Performance Initiative (\$222M)***: Attachment C summarizes the specific projects proposed under FPI. Major benefits would accrue to the Bay Area expediting the implementation of the Freeway Performance Initiative, emphasizing the delivery of ramp metering projects on the State Highway System throughout the Bay Area Region. For nearly two years, MTC staff has been working together with Caltrans and the CMAs to develop a list and sequencing of projects, which will be finalized shortly. The performance assessment undertaken during the development of T2035 confirmed that FPI fell into the highest tier of beneficial projects, which include cost effectiveness, congestion relief and air quality reduction. In order for the region to take advantage of this opportunity, other investment categories would generally be deferred to later years, allowing the FPI to be delivered in the first years of the New Act. Also this category includes \$1.5 million per year, for a total of \$9

million for performance monitoring activities during the New Act including the Regional Signal Timing Program and TOS.

- ***Climate Initiatives (\$68M)***: Project components include providing a match to the Electric Vehicle (EV) Infrastructure Project and funding the Safe Routes to Schools, Safe Routes to Transit, Transit Priority Measures (TPM), and Outreach/Incentives programs. This initiative also provides \$6 million during the New Act for the Eastern Solano CMAQ Program, to acknowledge CMAQ funds coming to MTC that are within the Sacramento Metropolitan Air Quality Management District's air basin encompassing Eastern Solano County.
- ***Regional Bicycle Program (\$42M)***: This is a continuation of the Regional Bicycle Pedestrian Program which under T2035 will be applied to building the Regional Bicycle Network. This category also includes \$8 million for new projects as a result of advancing previously funded transportation enhancement (TE) funding.
- ***Transportation for Livable Communities (TLC) (\$169M)***: \$72 million is provided in Cycle 1 to allow for a TLC pilot program to launch a new approach based on discussions with our partners and stakeholders. In July, the Planning Committee will be reviewing several elements for the next TLC funding cycle. Areas under consideration include (1) the use of TLC funds to incentivize development in Priority Development Areas, (2) the size of TLC grants, (3) a menu of eligible program categories, including streetscapes (current program eligibility), as well as several new categories: non-transportation infrastructure, transportation demand management, and density incentives such as land banking or site assembly, and (4) the split between the regional and local funding. Following input from the Planning Committee, MTC advisors, and regional stakeholders, staff will return to the Planning Committee in September for approval of the next TLC funding cycle.
- ***Transit Capital Rehabilitation Shortfall (\$115M)***: This program will continue to address transit capital shortfalls in the region as identified in the Transportation 2035. The program objective, as in the past, is to assist transit operators to meet major fleet replacement needs.
- ***Local Regional Streets and Roads Rehabilitation (\$135M)***: This program addresses rehabilitation shortfalls on the regional local streets and roads network. Note that an additional \$28M (See the PTAP/FAS category above) would be applied to regional streets and roads rehabilitation needs as well as this program line item.
- ***Strategic Investments (\$91 million)***: Staff is proposing several strategic investments that take into consideration synergies with other recent and proposed initiatives as well as the current state and local economic realities. Related to recent initiatives, staff is proposing to build on the momentum of the Corridor Mobility and Trade Corridor programs by recommending two additional projects that meet these investment priorities. Further, staff is recommending the restoration of partial funding to transit programs and projects that lost funding as a result of state and federal funding cuts. A brief description of each project as well as the proposed funding amount is included below:
  - ***Corridor Mobility (Santa Clara Interstate 280 to Interstate 880 Direct Connector - \$32 million)***: This project will provide a direct freeway connector and interchange improvements to improve traffic operations, safety, and access. This project had been a candidate for Proposition 1B funding, and is now proposed as a strategic investment.
  - ***Trade Corridor (Richmond Rail Connector - \$8 million)***: The Richmond Rail Connector is a rail connection between the BNSF Railroad's Stockton Subdivision and

Union Pacific Railroad's Martinez Subdivision near San Pablo, CA, just north of Richmond, CA. BNSF and UP, as well as the Capitol Corridor and Amtrak, all operate on the Martinez Subdivision. This project is needed to accommodate and better serve both current and future freight and passenger rail traffic on the Martinez Subdivision rail corridor while reducing the impacts on the local community. The proposed rail connector would eliminate the need for a number of long BNSF trains to continue to travel through downtown Richmond, thereby reducing traffic delays at local grade crossings, as well as vehicle emissions and noise impacts affecting Richmond residents. The estimated project cost is approximately \$35m, with 50 percent of the project costs coming from the state Proposition 1B TCIF program, and additional funds coming from BNSF Railroad.

- *MTC Resolution 3814 Transit Payback Commitment (\$31M)*: As part of the Transit Policy established in June 2007, in conjunction with Proposition 1B funding, MTC committed \$62 million in future spillover revenues for Lifeline, Small Operators, Samtrans Right-of-way Settlement, and two capital projects – BART to Warm Springs and eBART. Given the proposal to suspend funding to transit for five years, MTC is proposing to meet roughly half of this 10-year commitment through a combination of distributions to-date and the proposed cycle programming. However, the proposal would fully fund the Lifeline and Small Operator commitment while delaying any funding to the two capital projects. The table below provides the proposed distribution:

STA Spillover Funding Agreement Per Resolution 3814 PROPOSITION 1B TRANSIT FUNDING PROGRAM -- POPULATION BASED SPILLOVER DISTRIBUTION						
Apportionment Category	MTC Resolution 3814 Original Schedule	%	FY 2007-08 Spillover Distribution	Unfunded Commitment	Proposed for Funding	Remaining Commitment
Lifeline	\$ 10,000,000	16%	\$ 1,028,413	\$ 8,971,587	\$ 8,971,587	\$ -
Small Operators / North Counties	\$ 3,000,000	5%	\$ 308,524	\$ 2,691,476	\$ 2,691,476	\$ -
BART to Warm Springs	\$ 3,000,000	5%	\$ 308,524	\$ 2,691,476	\$ -	\$ 2,691,476
eBART	\$ 3,000,000	5%	\$ 308,524	\$ 2,691,476	\$ -	\$ 2,691,476
Samtrans	\$ 43,000,000	69%	\$ 4,422,174	\$ 38,577,826	\$ 19,288,913	\$ 19,288,913
<b>Total</b>	<b>\$ 62,000,000</b>	<b>100%</b>	<b>\$ 6,376,158</b>	<b>\$ 55,623,842</b>	<b>\$ 30,951,976</b>	<b>\$ 24,671,865</b>

- *Transit Efficiency (SFgo -\$20M)*: The SFgo Arterial Traffic Management System project in San Francisco, originally proposed to received federal Urban Partnership Program funding, involves the installation of new communications network and advanced traffic signal control systems on the US 101 /Van Ness and Market Street corridors. This project will decrease traffic congestion and improve transit operations by synchronizing intersections, and furnishing and installing traffic cameras and variable message signs for traffic monitoring and information dissemination.



**DRAFT American Recovery and Reinvestment Act (ARRA) Discretionary Program Summary**  
Transportation Funding in HR 1, as of June 23, 2009

Agency	Program	Amount (millions)	Application Deadline	Obligation Deadline	Eligible Sponsors	Eligible Projects	Funding Number or web reference	Other Details
<b>MTC Commission to Adopt Regional Projects - Will Forfeit with Federal Funds</b>								
1 DOT	U.S. DOT Secretary's Discretionary Grant Program - Transportation Investment Generating Economic Recovery (TIGER)	1,500	Bay Area Applicants submit to MTC: July 6, 2009 MPOs and RTPAs submit to Caltrans: July 27, 2009 Caltrans submits to Governor's office: August 24, 2009 Due to DOT: 9/15/09	Funds available for obligation until September 30, 2011. Priority to projects that can be completed by February 17, 2012.	State and local governments, including U.S. territories, tribal governments, transit agencies, port authorities, other political subdivisions of State or local governments, and multi-State or multi-jurisdictional applicants	Eligible projects include, but are not limited to highway, transit, freight and passenger rail and port infrastructure projects: (1) highway or bridge projects eligible under title 23, United States Code; (2) public transportation projects eligible under chapter 53 of title 49, United States Code; (3) passenger and freight rail transportation projects; and (4) port infrastructure investments.	Federal Register Final Notice, posted June 17, 2009, <a href="http://edocket.access.gpo.gov/2009/pdf/E9-14262.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-14262.pdf</a>  MTC Call for Projects: <a href="http://www.mtc.ca.gov/funding/ARRA/index.htm#user">http://www.mtc.ca.gov/funding/ARRA/index.htm#user</a>  DOT-funded ARRA projects: <a href="http://www.fta.dot.gov/index_9440_9482.html">http://www.fta.dot.gov/index_9440_9482.html</a>	Grant range from \$20 - \$300million. Secretary may waive the \$20m minimum grant size for projects in small cities, regions or states. Cap of 20% for any single state.  Priority to projects with a local match, and that can be completed by February 17, 2012.  Guidelines for required Federal logos for all DOT-funded ARRA projects.
2 DOT	High Speed and Intercity Passenger Rail	8,000	Pre-applications for all tracks due: July 10, 2009 Applications for Tracks 1, 3 and 4 due: August 24, 2009 Applications for Track 2 due: October 2, 2009	Funds must be obligated by September 30, 2012	Eligibility depends on the track, and in general, includes the following: states, groups of states, interstate compacts, public agencies responsible for intercity passenger rail service, public agencies responsible for high-speed passenger rail service	Four tracks: (1) Projects - Intercity passenger rail projects (up to 100% ARRA funds) (2) Programs - High-Speed Rail/Intercity passenger rail service development programs (up to 100% ARRA funds) (3) Planning - Service planning activities funded under the FY 2009 and FY 2008 DOT Appropriations Acts (50% match required) (4) Appropriations Projects - FY 2009 Appropriations-funded projects (for states offering at least 50% match, may concurrently submit project under Track 1)	Federal Register Notice of Funding Availability and Interim Program Guidance: <a href="http://www.fta.dot.gov/Downloads/RRDevHSRPR_Guidance_6-16-09-Web.pdf">http://www.fta.dot.gov/Downloads/RRDevHSRPR_Guidance_6-16-09-Web.pdf</a>  Pre-Application: <a href="http://www.fta.dot.gov/us/content/2243">http://www.fta.dot.gov/us/content/2243</a>  Public comments on the Notice of Funding Availability are due: July 10, 2009.	
3 DOT	New Starts/Capital Investment Grants	750	FTA is not soliciting applications - please see Eligible Projects.	By May 11, 2010, all funds must be obligated. FTA may de-obligate any funds not obligated within the one-year period.	Please see Eligible Projects.	FTA limited its allocation of discretionary funding to eleven major capital projects - 10 New Starts and one Small Starts - that were already started or under construction.	Federal Register Notice posted May 11, 2009: <a href="http://edocket.access.gpo.gov/2009/pdf/E9-10963.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-10963.pdf</a>  FTA announcement: <a href="http://www.fta.dot.gov/index_9440_9923.html">http://www.fta.dot.gov/index_9440_9923.html</a>	
<b>Sponsors Applying for Regionally MPOs Projects - TIGER</b>								
4 DOT	Transit Energy Efficiency "Recovery Act-Transit Investments for Greenhouse Gas and Energy Reduction" (TIGER)	100	ALREADY PASSED	Sept. 30, 2010 ARRA Funds expire Sept. 30, 2015			FTA-09005-TIGER-TRI  Federal Register Listing 3/24/09: <a href="http://edocket.access.gpo.gov/2009/pdf/E9-6420.pdf">http://edocket.access.gpo.gov/2009/pdf/E9-6420.pdf</a>	
5 DOT	Ferry Boat Discretionary (FBD) Program	60	ALREADY PASSED	Sept. 30, 2010 ARRA Funds expire Sept. 30, 2015			<a href="http://www.fhwa.dot.gov/discretionary/090330a.cfm">http://www.fhwa.dot.gov/discretionary/090330a.cfm</a>	
6 DOT	Park Roads and Parkways (PRP)	170	Internal application process - no solicitation expected		FHWA Federal Lands Highway is responsible for project design, construction and oversight activities. The NPS develops the prioritized program-of-projects and oversees planning.	Fund allocations are based on the ranking of the prioritized projects approved by the FHWA.		Program Contact: US DOT, FHWA, Federal Lands Highway, Office of Program Development, 1200 New Jersey Avenue, SE, Washington, DC 20590, (202) 366-9494. <a href="http://www.fhwa.dot.gov/ftr/">www.fhwa.dot.gov/ftr/</a>
7 NPS	National Park Service (including roads)	589	Internal application process - no solicitation expected		Projects must be submitted by National Park Units	Projects must be within or provide direct access to a National Park		ARRA funding already committed to existing projects in the program.



**DRAFT American Recovery and Reinvestment Act (ARRA) Discretionary Program Summary**  
**Transportation Funding in HR 1, as of June 23, 2009**

Agency	Program	Amount (millions)	Application Deadline	Obligation Deadline	Eligible Sponsors	Eligible Projects	Funding Number www.grants.gov or web reference	Other Details
8 EPA	Diesel Emission Reduction – "Recovery Act Funding for Clean Diesel: National Clean Diesel Funding Assistance Program"	156	ALREADY PASSED	Project Implementation - from June 2009 - Sept. 30, 2010			EPA-ARRA-OAR-OTAC-09-05 <a href="http://epa.gov/otac/eparecovery/programational.htm">http://epa.gov/otac/eparecovery/programational.htm</a>	
9 EPA	Diesel Emission Reduction – "Recovery Act Funding for Clean Diesel: SmartWay Clean Diesel Finance Program"	30	ALREADY PASSED	same as above			EPA-ARRA-OAR-OTAC-09-04 <a href="http://epa.gov/otac/eparecovery/roadfinance.htm">http://epa.gov/otac/eparecovery/roadfinance.htm</a>	
10 EPA	Diesel Emission Reduction – "Recovery Act Funding for Clean Diesel: Clean Diesel Emerging Technologies Program"	20	ALREADY PASSED	same as above			EPA-ARRA-OAR-OTAC-09-05 <a href="http://epa.gov/otac/eparecovery/roademerging.htm">http://epa.gov/otac/eparecovery/roademerging.htm</a>	
11 DOE	Transportation Electrification	400	ALREADY PASSED				DE-FOA-0000028 <a href="http://www.energy.gov/recovery/funding.htm">http://www.energy.gov/recovery/funding.htm</a>	
12 DOE	Alternative Fuel Vehicles, Plug-in Electric Drive Vehicles, and Clean Cities/SmartWay Principles Reduction Technologies Projects for the Transportation Sector	300	Round 1: May 29, 2009 Round 2: September 30, 2009	Awards anticipated August 2009 for Areas of Interest 1-3  For Area of Interest 4, Round 1 awards anticipated September 2009 Round 2 awards anticipated February 2010	State governments, local governments, metropolitan transportation authorities, air pollution control districts, and private or nonprofit entities.	Eligible projects include acquisition of alternative fueled vehicles, fuel cell vehicles or hybrid vehicles, including buses for public transportation and ground support vehicles at public airports. The installation or acquisition of infrastructure necessary to directly support an alternative fueled vehicle, fuel cell vehicle, or hybrid vehicle project funded by the grant is also eligible.	DE-P526-09NT01238-04 For more information: <a href="http://www1.eere.energy.gov/vehicles/vehicles/">http://www1.eere.energy.gov/vehicles/vehicles/</a> <a href="http://www.afdc.energy.gov/clean_cities/process/solicitations.php">http://www.afdc.energy.gov/clean_cities/process/solicitations.php</a>	Provides grants to encourage the use of plug-in electric drive vehicles or other emerging electric vehicle technologies for up to 30 geographic areas. The funding minimum per project is \$5 million to a maximum of \$15 million.
13 DOE	Energy Efficiency and Conservation Block Grant (EECBG)	2,700	June 25, 2009 at 8:00 PM (EST) for ALL applicants, including local, tribal, and state governments (As of May 11, 2009)	Obligate: 18 months after effective award date  Grant performance period: 36 months  In the event funds are not obligated/committed within eighteen (18) months, DOE reserves the right to deobligate the funds and cancel the award.	U.S. states, territories, Indian tribes, cities and counties are eligible to receive funds under the EECBG Program. Please see the list of entities eligible for formula grants and allocation amounts: <a href="http://www.eecbg.energy.gov/grantalloc.htm">http://www.eecbg.energy.gov/grantalloc.htm</a>	Funds can be used community-wide, not only for government owned facilities and infrastructure. A list of eligible activities for use of program funds is provided in Section 344, Title V, Subtitle E of the Energy Independence and Security Act (EISA).  Transportation-related examples of projects include, but are not limited to: Development of bike lanes and pedestrian walkways; State/local/regional integrated planning activities to reduce GHG emissions and VMT; Incentive programs to reduce commuters by single occupancy vehicles;	<a href="http://www.eecbg.energy.gov/FundingOpportunityAnnouncement(FOA).htm">http://www.eecbg.energy.gov/FundingOpportunityAnnouncement(FOA).htm</a> Reference number: DE-FOA-0000013  Application: <a href="http://www.grants.gov/">http://www.grants.gov/</a> GDFA No: 81.128	Program provides direct, formula grants to reduce energy use and fossil fuel emissions, and to improve energy efficiency. * nearly \$1.9 billion is available to cities and counties * more than \$770 million is available to states, U.S. territories, and the District of Columbia * nearly \$54 million is available to Indian tribes In addition, each state must pass not less than 60% of its allocation on to cities and counties that are ineligible for direct formula grants from DOE. States decide how to award sub-grants. For more info on the CA state process for the 60% to small cities and counties, please go to: <a href="http://www.energy.ca.gov/energy/blockgrant.htm">http://www.energy.ca.gov/energy/blockgrant.htm</a>
14 DOE	Energy Efficiency and Conservation Competitive Grants	455	Funding Opportunity Announcement expected soon	TBA	TBA	TBA	<a href="http://www.eecbg.energy.gov/">http://www.eecbg.energy.gov/</a>	DOE's first priority is to award the formula grants. Details on applying for competitive Opportunity Announcement.

**DRAFT American Recovery and Reinvestment Act (ARRA) Discretionary Program Summary**  
**Transportation Funding in HR 1, as of June 23, 2009**

Agency	Program	Amount (millions)	Application Deadline	Obligation Deadline	Eligible Sponsors	Eligible Projects	Funding Number www.grants.gov or web reference	Other Details
15 FEMA	Port Security Grant Program (PSGP)	150	July 2, 2009	Obligate by end of first quarter, FY 2010  Expend within 3 years	Port authorities, facility operators, and State and local government agencies required to provide port security services	Top Three Priorities for eligible port projects: 1. Maritime Domain Awareness (MDA) 2. Improvised Explosive Device (IED) and WMD prevention, protection, response, and recovery 3. Implementation of the Transportation Worker Identification Credential (TWIC)  Top Three Priorities for eligible ferry system projects: 1. Develop ways to prevent, detect, respond to and recover from terrorists using IEDs 2. Risk mitigation 3. Use mobile technology to prevent and detect explosives, other threats	<a href="http://www.dhs.gov/xlibrary/assets/Grants_Recovery_FEMA_Port_Security_Act_Plan_51509.pdf">http://www.dhs.gov/xlibrary/assets/Grants_Recovery_FEMA_Port_Security_Act_Plan_51509.pdf</a>	Competitive program for grants and cooperative agreements. FEMA and USCG will target funds to the highest-risk ports across the nation. Each of the four tiers will have a specific allocation, and ports will compete for the funds within their assigned tier. FEMA will announce allocations and awards on a rolling basis from October 15, 2009 to December 31, 2009.  Please note that from mid-September to mid-October, all financial systems within DHS must be shut down to reconcile obligations. As well, OMB must reappportion grant monies back to FEMA after the first of the fiscal year, so there may be delays in grant awards.
16 FEMA	Transportation Security Grant Program (TSGP) - Public Transportation and Railroad Security	150	ALREADY PASSED	Obligate by end of first quarter, FY 2010  Expend within 3 years	Transit agencies		<a href="http://www.dhs.gov/xlibrary/assets/Grants_Recovery_FEMA_Public_Transportation_and_Rail_Security_Recovery_Act_Plan_51509.pdf">http://www.dhs.gov/xlibrary/assets/Grants_Recovery_FEMA_Public_Transportation_and_Rail_Security_Recovery_Act_Plan_51509.pdf</a>	
17 DOT	Public Transportation on Indian Reservations Program (Tribal Transit Program (TTP))	17	ALREADY PASSED	Sept. 30, 2010			FTA-09004-TPM-TRTR	
<b>Total</b>		<b>15,547</b>						

Note: Highlighted programs are still accepting applications, as of June 23, 2009.

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**ARRA TIGER Applications -  
Summary List of Bay Area Projects**

7/10/2009

	<b>Project Name</b>	<b>Sponsor</b>	<b>TIGER Request</b>	<b>Total Project Cost</b>
1	SR 84 Expressway in Livermore	ACTIA	20,000,000	126,500,000
2	Vasco Road Safety Improvements	Alameda County	20,000,000	30,000,000
3	Fruitvale Avenue Bridge Seismic Retrofit	Alameda County	35,000,000	40,000,000
4	Crow Canyon Road Safety Improvements	Alameda County	20,000,000	23,000,000
5	BART Oakland Airport Connector TIFIA	BART	5,000,000	529,000,000
6	U.S. 101/Broadway Interchange Reconstruction	City of Burlingame/Caltrans	25,000,000	73,000,000
7	Richmond Regional Transit Accessibility Improvements	City of Richmond	3,500,000	5,300,000
8	City of Santa Rosa: Mid-Size City Making Transit Work Project	City of Santa Rosa	1,600,000	1,800,000
9	Union City Intermodal BART Phase 2	City of Union City	30,000,000	50,000,000
10	California's Green Trade Corridor	Port of Oakland	28,000,000	35,000,000
11	U.S. 101 Lanes - Central Phase B	SCTA/Caltrans	27,000,000	186,190,000
12	Doyle Drive Replacement	SFCTA/Caltrans	50,000,000	954,700,000
13	Sonoma-Marin Area Rail Transit District Rail Car Procurement	Sonoma-Marin Area Rail Transit District	97,740,000	663,540,000
14	State Route 4 East Transportation Corridor	State Route 4 Bypass Authority	60,000,000	2,235,670,000
15	Transbay Transit Center: Utility Relocation Construction	TJPA	62,000,000	1,189,000,000
16	BART SVRT Extension: Revenue Vehicle Storage at Hayward Yard	BART/VTA	50,000,000	62,282,209
17	VTA Capitol Expressway Light Rail Extension	VTA	25,000,000	360,000,000
18	VTA Vasona Light Rail Extension: Winchester to Vasona Junction	VTA	25,000,000	149,000,000
		<b>Total</b>	<b>584,840,000</b>	<b>6,713,982,209</b>

**ALTAMONT COMMUTER EXPRESS REVISED TRAIN SCHEDULE  
EFFECTIVE October 26, 2009**

MONDAY THROUGH FRIDAY EXCLUDING MAJOR HOLIDAYS

Read Down										Read Up									
AM - WESTBOUND										PM - EASTBOUND									
ACE					STATIONS					ACE									
1	3	5	7						2	4	6	8	10						
Mo - Fr	Mo - Fr	Mo - Fr	Mo - Fr						Fr Only	Mo - Fr	Mo - Fr	Mo - Fr	Mo - Th						
4:20 AM	5:35 AM	6:20 AM	7:15 AM						4:30 PM	5:45 PM	6:45 PM	7:45 PM	8:50 PM						
4:37 AM	5:52 AM	6:37 AM	7:32 AM		STOCKTON				4:06 PM	5:21 PM	6:21 PM	7:21 PM	8:26 PM						
4:49 AM	6:04 AM	6:49 AM	7:44 AM		LATHROP/MANTECA				3:54 PM	5:09 PM	6:09 PM	7:09 PM	8:14 PM						
5:18 AM	6:33 AM	7:18 AM	8:13 AM		TRACY				3:25 PM	4:40 PM	5:40 PM	6:40 PM	7:45 PM						
5:23 AM	6:38 AM	7:23 AM	8:18 AM		VASCO ROAD				3:20 PM	4:35 PM	5:35 PM	6:35 PM	7:40 PM						
5:31 AM	6:46 AM	7:31 AM	8:26 AM		LIVERMORE				3:11 PM	4:26 PM	5:26 PM	6:26 PM	7:31 PM						
5:53 AM	7:08 AM	7:53 AM	8:48 AM		PLEASANTON				2:48 PM	4:03 PM	5:03 PM	6:03 PM	7:08 PM						
6:11 AM	7:26 AM	8:11 AM	9:06 AM		FREMONT				2:32 PM	3:47 PM	4:47 PM	5:47 PM	6:52 PM						
6:30 AM	7:45 AM	8:30 AM	9:25 AM		GREAT AMERICA				2:20 PM	3:35 PM	4:35 PM	5:35 PM	6:40 PM						
					SAN JOSE														



## I-580 SAN LEANDRO SOUNDWALLS

### KICK OFF EVENT

July 9, 2009  
6:00 p.m.

San Leandro Public Library  
Dave Karp Room  
300 Estudillo Avenue  
San Leandro, CA 94577

## Program

### MASTER OF CEREMONIES

Vice Mayor, City of San Leandro ..... Joyce Starosciak

### SPEAKERS

California State Assemblymember,

18<sup>th</sup> Assembly District ..... Mary Hayashi

Alameda County Congestion Management Agency

Chairman of the Board; Mayor, City of Union City ..... Mark Green

Mayor, City of San Leandro ..... Tony Santos

California Department of Transportation

Director, District 4..... Bijan Sartipi



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METROPOLITAN  
TRANSPORTATION  
COMMISSION

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*Memorandum*

TO: Bay Area Partnership

DATE: June 23, 2009

FR: Doug Johnson

RE: Proposed New Transportation for Livable Communities (TLC) Program Guidelines – “TLC 2.0”

**Background**

For the past ten years, the Transportation for Livable Communities program has served as one of the Bay Area’s primary tools for fostering smart growth. MTC and its partner agencies define smart growth as development that revitalizes central cities and older suburbs, supports and enhances public transit, promotes walking and bicycling, and preserves open spaces and agricultural lands. By promoting compact, mixed-use development in existing communities, smart growth aims to accommodate a growing population while providing affordable options, reducing automobile dependency, and protecting open space and farmland.

Staff conducted a TLC evaluation beginning in summer 2007, which included TLC planning, Housing Incentive Program and TLC capital grants that have been constructed. It did not include TLC projects funded through the county CMAs. Staff presented findings to the Planning Committee in April 2008. The memo to the Planning Committee is attached, and contains a summary of the evaluation findings.

Related to the evaluation, Reconnecting America’s Center for Transit Oriented Development (CTOD) completed a white paper (a copy of the Executive Summary is attached) detailing various options and strategies for financing transit-oriented development in the Bay Area. The paper made several recommendations for revising the TLC program, including creating a flexible financing program that responds to different market conditions within the region. Staff presented these materials to the Planning Committee and CMA staff in September 2008.

**Program Considerations**

Picking up from where the TLC evaluation and TOD white paper left off last year, staff has been discussing proposed program changes with a small working group of Commissioners. Staff and Commissioners believe the current program of spreading the funds around to various smaller streetscape and bicycle/pedestrian projects has served a useful purpose over the past 10 years by promoting infill growth in the region; however, we think the time has come to change the program so that it can have a greater positive impact in those

communities that have a demonstrated ability to plan and construct high intensity/quality development and that have taken on increased housing production numbers through the latest Regional Housing Needs Allocation process. Based on these discussions, we have identified four elements that we propose changing in the new TLC guidelines for the next funding cycle, which we plan to present for initial comment to the MTC Planning Committee at its July 10, 2009 meeting. The four program elements are as follows:

- (1) Use of TLC funds to incentivize development in Priority Development Areas – Tighten the connection between the TLC program and projects that directly support infill housing and transit-oriented development throughout the region by targeting TLC funds for locally-designated Priority Development Areas (PDAs) under the FOCUS program.

*Staff recommendation:* Only projects in planned or potential PDAs will be eligible for TLC funds. There are over 120 PDAs representing over 60 jurisdictions throughout the Bay Area.

- (2) Grant size – Based on the TLC evaluation and feedback from local jurisdictions, larger grants at more frequent intervals are desirable.

*Staff recommendation:* Increase grant awards from the current \$500,000 - \$3 million to a maximum of \$6 million; we propose there be no grant minimum. Local communities would be expected to participate to their maximum extent possible in the funding of all projects.

- (3) Menu of eligible program categories - The menu of eligible program categories, developed with input from city staff from planning, redevelopment, and public works, as well as market rate and non-profit developers, were recommended for consideration in the TOD White Paper previously reviewed with the MTC Planning Committee in September 2008. These include streetscapes (current program eligibility), as well as several new categories: non-transportation infrastructure, transportation demand management, and density incentives such as land banking or site assembly, and are illustrated on Attachment A. Not all of these options are eligible for federal funding available through the TLC Program. Funding exchanges would need to be arranged.

*Staff recommendation:* Build flexibility by allowing all categories included in Attachment A to be eligible for funding, with a goal of selecting the highest impact projects, based on intensity of existing and proposed adjacent development, proximity to transit service, and based on local needs. Project selection would also depend on project eligibility for STP/CMAQ funding or the availability of non-federal or other funding exchanges that could deliver the project.

- (4) Program Structure: Given the increase in program size, distribution between geographic splits should be reassessed; the program is currently administered jointly by MTC (2/3) and the CMAs (1/3). Based on the above recommendations, we would



view the new TLC 2.0 as a pilot program, at least for Cycle 1 funding. It may be the case that after getting more experience with the proposed expanded program that we will want to revisit program structure and content.

The current TLC program includes several program elements: HIP, Station Area Plans and TLC Planning. The TOD evaluation recommended that these elements be combined or eliminated.

*Staff recommendation:* Keep the current split – 2/3 of the program administered regionally by MTC and 1/3 administered at the county level by the CMAs.

Fold the HIP program into elements of the proposed new TLC capital program; fold the TLC Planning program into the Station Area Planning; and create a new technical assistance program for TOD, fashioned after the current PTAP program.

### **Funding**

The Transportation 2035 Plan recommended a doubling of the current TLC program (about \$27 million/year to about \$60 million/year annualized over the life of the plan) including both Surface Transportation Program/Congestion Mitigation Air Quality (STP/CMAQ) and anticipated, unspecified new revenues. Funding levels for the program in the early years of programming will likely be lower due to de-escalation and other programming constraints. Actual TLC funding levels will be determined by federal STP/CMAQ Cycle programming (see agenda item 4).

### **Next Steps**

Staff will be reviewing these proposals with our advisory committees and other partner agencies. We will seek MTC Planning Committee input at their July and September 2009 meetings, and intend to have final guidelines approved by October 2009 to solicit Cycle 1 funding projects by the end of this calendar year.

Attachments: Attachment A: TLC 2.0 – Program Options  
Memo to Planning Committee dated 4/11/08  
Executive Summary of CTOD white paper dated August 2008

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**ATTACHMENT A: TLC 2.0 – Program Options**

<b>Program Option</b>	<b>Streetscapes (current program eligibility)</b>	<b>Non-transportation Infrastructure Improvements</b>	<b>Transportation Demand Management (TransLink®, carshare, TOD, parking, etc)</b>	<b>Density Incentives (Direct TOD funding, Land Banking, Site Assembly)</b>
<b>Grant or Loan</b>	Grant	Grant or Loan	Grant or Loan	Grant or Loan
<b>CMAQ / TE / STP</b>	Yes	No	Yes	Only via transit operator joint development program
<b>Example</b>	Strengthen connection of existing program to new development in need of millions in new streetscapes such as San Jose midtown, Santa Rosa Railroad Sq.	San Leandro: sewer upgrades required for substantial TOD; fee structures do not appear capable of covering full expense.	TransLink <sup>®</sup> for TOD program expansion pending study results or support for a carshare vehicle for new or recent TOD residents)  MacArthur BART: project replaces 300 of 600 surface spaces for BART in a priced parking structure that creates site for 675 new housing units	Richmond approves 5-story, 60+ units/acre project (230 units) adjacent to BART & the transit village; developer unable to finance above 25 unit/acre project. City under pressure to deliver “something” on critical site  San Bruno is interested in securing land near the re-located Caltrain station but is unable to fund the transaction. Similar stories to be found at numerous future transit stations.
<b>Notes</b>	Demand appears strong for this program element	Funding compatibility, high demand	Parking management is a critical barrier to TOD.	Holding title to land and land re-sale. Critical time to preserve key sites for future development.